

September 16, 2020

BY ELECTRONIC MAIL

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

RE: Docket 4237 – National Grid 2020 Contact Voltage Annual Report Responses to PUC Data Requests – Set 2

Dear Ms. Massaro:

I have enclosed an electronic version of National Grid's¹ responses to the Public Utilities Commission's Second Set of Data Requests in the above-referenced docket.²

This filing also contains a Request for Protective Treatment of Confidential Information pursuant to Rule 810-RICR-00-00-1.3(H) of the Public Utilities Commission's (PUC) Rules of Practice and Procedure and R.I. Gen. Laws § 38-2-2(4)(B).

National Grid seeks protection from public disclosure information regarding the cost of the contract with the Company's mobile survey vendor in its response to data request PUC 2-1.

Accordingly, National Grid has provided the PUC with one complete unredacted copy of the confidential response electronically via the Company's encryption software, Egress Switch. National Grid has included electronic redacted copies of these materials for the public filing.

Thank you for your attention to this matter. If you have any questions, please contact me at 781-907-2121.

Very truly yours,



Raquel J. Webster

Enclosures

cc: Docket 4237 Service List
John Bell, Division
Christy Hetherington, Esq.

¹ The Narragansett Electric Company d/b/a National Grid (National Grid or Company).

² Per practice during the COVID-19 emergency period, the Company is providing PDF versions of the enclosures. The Company will provide the Commission Clerk with hard copies and, if needed, additional hard copies of the enclosures at a later date.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
RHODE ISLAND PUBLIC UTILITIES COMMISSION

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2020 Contact Voltage Annual Report)	Docket No. 4237
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**MOTION OF THE NARRAGANSETT ELECTRIC
COMPANY D/B/A NATIONAL GRID FOR PROTECTIVE
TREATMENT OF CONFIDENTIAL INFORMATION**

Pursuant to Rule 810-RICR-00-00-1.3(H) of the PUC’s Rules of Practice and Procedure (Rue 1.3(H)) and R.I. Gen. Laws § 38-2-2(4)(B), National Grid¹ respectfully requests that the Rhode Island Public Utilities Commission (“PUC”) grant protection from public disclosure certain confidential, competitively sensitive, and proprietary information submitted in the Company’s response to PUC Data Request 2-1 (“Data Request 2-1”) in the above-captioned docket. The Company also respectfully requests that, pending entry of that finding, the PUC preliminarily grant the Company’s request for confidential treatment of the Company’s response to Data Request 2-1 pursuant to Rule 1.3(H)(2).

I. BACKGROUND

On September 10, 2020, National Grid received the PUC’s Second Set of Data Requests regarding its 2020 Contact Voltage Annual Report. Data Request 2-1 seeks information regarding the cost of the contract with the Company’s mobile survey vendor, Osrose Utilities. The Company requests that, pursuant to Rule 1.3(H), the PUC afford confidential treatment to the contract pricing information contained in the Company’s response to Data Request PUC 2-1

¹ The Narragansett Electric Company d/b/a National Grid (National Grid or the Company).

because this information is confidential, and National Grid does not ordinarily disclose such contract terms to the public.

II. LEGAL STANDARD

Rule 1.3(H) provides that access to public records shall be granted in accordance with the Access to Public Records Act (APRA), R.I. Gen. Laws § 38-2-1, *et seq.* Under the APRA, all documents and materials submitted in connection with the transaction of official business by an agency are deemed to be “public record[s],” unless the information contained in such documents and materials falls within one of the exceptions specifically identified in R.I. Gen. Laws § 38-2-2(4). To the extent that information provided to the PUC falls within one of the designated exceptions to the public records law, the PUC has the authority under the terms of APRA to deem such information as confidential and to protect that information from public disclosure.

In that regard, R.I. Gen. Laws § 38-2-2(4)(B) provides that the following types of records shall not be deemed public:

Trade secrets and commercial or financial information obtained from a person, firm, or corporation which is of a privileged or confidential nature.

The Rhode Island Supreme Court has held that this confidential information exemption applies where the disclosure of information would be likely either (1) to impair the government’s ability to obtain necessary information in the future; or (2) to cause substantial harm to the competitive position of the person from whom the information was obtained. *Providence Journal*, 774 A.2d 40 (R.I. 2001).

The first prong of the test is satisfied when information is provided to the governmental agency and that information is of a kind that would customarily not be released to the public by the person from whom it was obtained. *Providence Journal*, 774 A.2d at 47.

III. BASIS FOR CONFIDENTIALITY

The contract pricing information provided in the Company's Response to Data Request 2-1 is confidential and privileged information of the type that National Grid would not ordinarily make public. As such, the information should be protected from public disclosure. Public disclosure of such information could impair National Grid's ability to obtain advantageous pricing or other terms for its mobile surveying in the future, thereby causing substantial competitive harm. Accordingly, National Grid respectfully requests that the PUC provide confidential treatment to the contract pricing information contained in its response to Data Request 2-1.

IV. CONCLUSION

For the foregoing reasons, National Grid respectfully requests that the PUC grant its Motion for Protective Treatment of Confidential Information.

Respectfully submitted,

**THE NARRAGANSETT ELECTRIC
COMPANY d/b/a NATIONAL GRID**

By its attorney,



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Dated: September 16, 2020

The Narragansett Electric Company
d/b/a National Grid
RIPUC Docket No. 4237
In Re: 2020 Contact Voltage Annual Report
Responses to Commission's Second Set of Data Requests
Issued on September 10, 2020

Redacted
PUC 2-1

Request:

Please state the cost of the contract with Osmose Utilities.

Response:

The price of the contract with Osmose Utilities is \$ [REDACTED] annually for the period 2020 through 2023.

PUC 2-2

Request:

Is any follow-up done by the Company to ensure the municipal contractors have properly repaired a voltage issue.

Response:

In the case where elevated voltage (greater than 1 volt) is discovered on a Municipal-owned asset, the contractors hired by the Municipality will mitigate the voltage issue. The Company does not conduct any post-mitigation follow-up.

In the case where elevated voltage (greater than 1 volt) is discovered on a Company-owned asset, the Company will mitigate the voltage issue, and manually perform post mitigation testing in the areas where previous remediation work was completed before the next year's mobile survey to ensure that the repairs were addressed.

Certificate of Service

I hereby certify that a copy of the cover letter and any materials accompanying this certificate was electronically transmitted to the individuals listed below.

The paper copies of this filing are being hand delivered to the Rhode Island Public Utilities Commission and to the Rhode Island Division of Public Utilities and Carriers.



Joanne M. Scanlon

September 16, 2020
Date

**Docket No. 4237 – Commission’s Proceeding Relating to Stray
and Contact Voltage Pursuant to Enacted Legislation
Service List updated 10/4/18**

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